

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KEVIN WILLIAMSON,)	
)	
Movant,)	
)	
v.)	No. 16-cv-02058-SHM-cgc
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Before the Court is Movant Kevin Williamson's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on January 27, 2016. (ECF No. 1 ("Mot.")) The United States (the "Government") filed a response to the Motion on November 8, 2016. (Resp. of the Gov't to Movant's § 2255 Mot., ECF No. 9 ("Resp."))¹

The Motion's sole ground is that, based on Johnson v. United States, 135 S. Ct. 2551 (2015),² Williamson was not an armed career criminal under the Armed Career Criminal Act, 18 U.S.C. § 924(e). (Mot. 5.) The Government and the U.S. Probation Office for the Western District of Tennessee agree

¹ Williamson's pending Motion for Order Requiring Government to Respond (ECF No. 7) is DENIED as moot.

² Johnson was made retroactive to decisions on collateral review in Welch v. United States, 136 S. Ct. 1257 (2016).

that Williamson is entitled to relief under Johnson. (Resp. 9 ("[T]he United States respectfully submits this Court should grant Williamson's § 2255 Motion"); see also Memorandum from Randal Harford, U.S. Probation Office for the Western District of Tennessee, ECF No. 9-1 ("Probation Mem.").)

The Motion is GRANTED. The sentence imposed on July 28, 2008, is VACATED. The Court in its discretion may correct a sentence without requiring the production of the prisoner. 28 U.S.C. § 2255(c). Williamson has served more than the ten-year statutory maximum term under 18 U.S.C. § 924(a)(2). (Probation Mem. 4.) Williamson is sentenced to time served, to be followed by a three-year period of supervised release, subject to the same terms and conditions the Court imposed in its Judgment in a Criminal Case entered on July 30, 2008. (ECF No. 32 in 07-20382.³) This order shall take effect 14 days from entry.

So ordered this 2d day of December, 2016.

/s/ Samuel H. Mays, Jr._____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

³ References to "07-20382" are to filings in United States v. Williamson, Case No. 07-20382 (W.D. Tenn.)